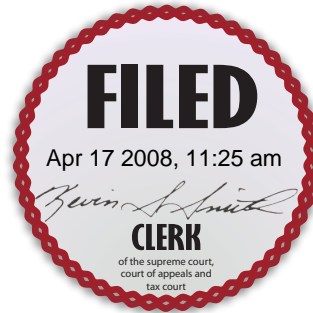


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

DARREN A. HESTAD,

Appellant,

vs.

MARY K. HESTAD,

Appellee.

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No. 71A03-0711-CV-525

APPEAL FROM THE ST. JOSEPH SUPERIOR COURT
The Honorable Michael P. Scopelitis, Judge
Cause No. 71D07-0509-DR-659

April 17, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Darren Hestad (“Husband”) appeals the trial court’s denial of his motion to correct error regarding the court’s order awarding Mary Hestad (“Wife”) attorney’s fees in the amount of \$7,800. Husband presents a single issue for our review, namely, whether the trial court abused its discretion when it ordered him to pay Wife’s attorney’s fees.

We affirm.

FACTS AND PROCEDURAL HISTORY

Husband and Wife were divorced in June 2006. The dissolution decree provided in relevant part that: Husband and Wife had joint legal and shared physical custody of their two minor children, and Wife received approximately \$250,000 worth of marital assets and was awarded \$460 per week from payments on a promissory note. Husband was awarded the remainder of the marital estate, including \$1,840 per week from payments on the promissory note. Wife does not work, but Husband works and earns approximately \$100,000 per year. In total, the trial court awarded Wife approximately fifty-six or fifty-eight percent of the marital estate.

When Wife moved to Missouri, she sought modification of the parties’ custody agreement. The trial court ordered a custody evaluation and ordered Husband to pay approximately ninety percent of the cost of the evaluation. Ultimately, the trial court denied Wife’s petition to modify and awarded Husband physical custody of the children. The trial court also ordered Husband to pay \$7,800 of Wife’s attorney’s fees, which totaled \$12,630.64. Husband filed a motion to correct error, which the trial court denied after a hearing. This appeal ensued.

DISCUSSION AND DECISION

When reviewing an award of attorney's fees in connection with a dissolution decree, we only reverse the trial court for an abuse of discretion. In re Marriage of Pulley, 652 N.E.2d 528, 532 (Ind. Ct. App. 1995), trans. denied. In making such an award, the court must consider the parties' relative resources, ability to engage in gainful employment, and ability to earn an adequate income. Id. The court need not, however, give reasons for its determination. Id.

Here, the trial court heard evidence regarding the parties' relative resources and Wife's ability to earn an income. In particular, the trial court noted an "enormous disparity" in the parties' incomes, which Husband acknowledged. Transcript at 6. And Wife testified that her ability to work full-time is "hampered by the fact that [she will] have the girls for the majority of the summer." Id. at 12. There is evidence in the record to support the trial court's determination that Husband should pay \$7,800 of Wife's attorney's fees. Husband's contention on appeal amounts to a request that we reweigh the evidence, which we will not do.¹ We cannot say that the trial court abused its discretion in making that award.

Affirmed.

SHARPNACK, J., and DARDEN, J., concur.

¹ Husband also contends that the trial court abused its discretion because Wife failed to "demonstrate 'her entitlement to attorney fees,'" and cites to Barger v. Pate, 831 N.E.2d 758, 765 (Ind. Ct. App. 2005), as support for that contention. But in Barger, Mother's attorney did not submit an affidavit stating that the fees were reasonable, as Wife's attorney did here. As such, we do not find Barger dispositive of this issue.